

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF THE LOUISVILLE AND)	
JEFFERSON COUNTY METROPOLITAN SEWER)	CASE NO.
DISTRICT FOR APPROVAL TO ACQUIRE)	90-398
THE ASSETS OF GLEN HILL MANOR)	
SANITATION, INC.)	

O R D E R

On December 4, 1990, the Louisville and Jefferson County Metropolitan Sewer District ("MSD") submitted an application for approval of an agreement to transfer ownership of Glen Hill Manor Sanitation, Inc. ("Glen Hill") to MSD.

Having considered the evidence of record and being otherwise sufficiently advised, the Commission finds that:

1. Glen Hill owns and operates a wastewater treatment plant serving approximately 74 customers in the Glen Hill Manor Subdivision of Jefferson County, Kentucky, and is therefore a "utility" as defined by KRS 278.010(3)(f).

2. MSD is a public body corporate and political subdivision created for the purpose of providing adequate sewer and drainage facilities in and around Jefferson County, Kentucky. KRS 76.010.

3. MSD and Glen Hill have agreed to the transfer of ownership of the Glen Hill wastewater treatment plant and all real property interest associated therewith to MSD for a total consideration of \$90,000. The Agreement which sets out the terms

and conditions of the transfer is attached hereto as the Appendix and incorporated herein by reference.

4. Paragraph 2 of the Agreement provides that the transfer will not formally occur until Exhibits A and B, a Deed and Bill of Sale attached to the Agreement are executed, and that payment by MSD of the consideration will be deferred until MSD obtains the necessary funds. The Agreement further provides that it shall become null and void, unless extended by written amendment executed by the parties, if formal closing does not occur within one year from the date of its execution.

5. Paragraphs 3 and 4 of the Agreement provide that MSD does not expect to obtain the necessary funds to pay the consideration prior to April of 1991, and that Glen Hill will continue to operate and maintain the wastewater treatment facility during the interim before formal closing occurs.

6. KRS 278.020 requires Commission approval of the proposed transfer of ownership of the Glen Hill wastewater treatment plant.

7. As of June 30, 1989, MSD had total assets of \$436,216,166 and total liabilities of \$42,690,879.

8. MSD has approximately 81 employees licensed as wastewater treatment plant operators.

9. MSD has the financial, managerial, and technical abilities to provide reasonable utility service to the persons currently served by Glen Hill.

10. The Commission will retain jurisdiction over the Glen Hill wastewater treatment plant until such time as formal closing occurs.

IT IS THEREFORE ORDERED that:

1. The transfer of ownership of the Glen Hill wastewater treatment plant to MSD, per the terms of the Agreement, is hereby approved.

2. MSD shall file an executed copy of the Agreement with the Commission within 21 days of the date of this Order. Should any of the terms and conditions set out therein change before the formal transfer of ownership, the approval granted herein shall be null and void and MSD shall refile for Commission approval of the transfer.

3. Within 10 days of the date of formal closing, which is conditioned in the Agreement upon execution of Exhibits A and B thereto and payment of the consideration, MSD shall file an executed copy of Exhibits A and B with the Commission.

4. If formal closing does not occur before May 1, 1991, MSD shall file a statement with the Commission describing the status of the proposed transfer and the date by which it expects to formally close.

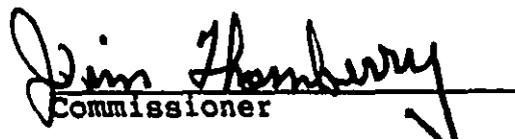
5. Until formal closing occurs, the Commission shall retain jurisdiction over the Glen Hill wastewater treatment plant and Glen Hill shall continue to be responsible for complying with all Commission rules and regulations, including those which require the timely filing of any information, notice, or reports.

Done at Frankfort, Kentucky, this 13th day of December, 1990.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director